

5:21-cv-00745 (DNH/ML)

Exhibit B

SUPREME COURT
STATE OF NEW YORK COUNTY OF ONONDAGA

MARY AIGELTINGER,

Plaintiff,

-vs-

TARGET CORPORATION,

Defendant.

Plaintiff designates Onondaga County as Place of Trial. The basis of venue is Plaintiff's residence.

SUMMONS

Index No.

To the above-named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: December 11, 2020

MACKENZIE HUGHES LLP


By: Jennifer D. Caggiano, Esq.
Attorneys for Plaintiff
Mackenzie Hughes Tower
440 S. Warren Street, Suite 400
Syracuse, New York 13202
Telephone (315) 233-8353

Defendant's Address:

Target Corporation
1000 Nicollet Mall
Minneapolis, Minnesota 55403

SUPREME COURT
STATE OF NEW YORK COUNTY OF ONONDAGA

MARY AIGELTINGER,

COMPLAINT

Plaintiff,

-vs-

Index No.

TARGET CORPORATION,

Defendant.

Plaintiff, MARY AIGELTINGER, by and through her attorneys, MACKENZIE HUGHES LLP, as and for a Complaint against Defendant, TARGET CORPORATION, upon information and belief, state the following:

1. At all times herein, Plaintiff Mary Aigeltinger (hereinafter "Plaintiff") was and is a resident of Onondaga County, State of New York.

2. Upon information and belief, at all times herein, Defendant Target Corporation (hereinafter "Defendant") was and is a Minnesota corporation duly authorized to do business in the State of New York with a principal office located in Minneapolis, Minnesota.

3. Upon information and belief, at all times herein, Defendant owned, managed, operated, occupied and/or maintained the Target Store located at 3657 West Genesee Street, Syracuse, New York 13219 including the sidewalk area in front of the main entrance.

4. On April 19, 2020, Plaintiff was lawfully on the premises of the Target store as a patron.

5. Plaintiff was walking slowly and carefully on the sidewalk and exercising the degree of care for her own safety that a reasonably prudent person would have exercised under the same circumstances.

6. Unfortunately for Plaintiff, her foot caught in a hole and/or jagged edge in the sidewalk outside the front main entrance as she attempted to enter the store. Plaintiff fell to the ground hitting her face, hands and knees on the sidewalk.

7. There were no signs, warnings or any other notification to warn Plaintiff that there was a dangerous hazard in the sidewalk.

8. Defendant had a duty to maintain the premises in a reasonably safe condition and to warn its customers of the existence of unsafe and/or dangerous hazards.

9. Defendant created this hazard by improperly repairing the sidewalk area prior to April 19, 2020.

10. The dangerous hazard had been present for a sufficient period of time that Defendant knew or should have known about the hazard and had an opportunity to remedy this unsafe and dangerous condition.

11. Defendant failed to maintain the property in a safe manner and condition, and remedy and warn of the hazard.

12. As a result of the Defendant's negligence, Plaintiff suffered and will continue to suffer collapse of left nasal bone, nasal deformity, nasal fractures, loss of teeth, broken dentures, facial laceration, reduced range of motion in her neck, facial swelling, scalp contusion, pain and suffering, impairment of her ability to perform activities of daily living, loss of enjoyment of life, difficulty sleeping, difficulty breathing, and past and future medical expenses including surgery.

13. Plaintiff's fall and injuries were wholly and solely caused by the negligent acts and/or omissions of the Defendant, its agents, servants and/or employees, without any fault, negligence or culpable conduct by Plaintiff.

AS AND FOR A FIRST CAUSE OF ACTION

14. Plaintiff repeats and realleges the allegations set forth in paragraphs "1" through "13" as if fully set forth herein.

15. Plaintiff's fall on April 19, 2020, and the resulting damages herein alleged, were caused wholly and solely through the negligence, recklessness and/or carelessness of Defendant in that it, *inter alia*, failed to warn customers of the dangerous defect on the sidewalk, caused, permitted and/or allowed a hole, indentation and/or hazard in the sidewalk, failed to keep its premises in a reasonably safe condition, failed to take reasonable steps to repair or remove the hazard from the sidewalk of its business where it knew or should have known customers would be walking, negligently repaired the sidewalk area creating the dangerous defect, failed to properly inspect the sidewalk, failed to see that its premises was in a reasonably safe condition for customers of the Target Store and otherwise failed to exercise the degree of care required under the circumstances.

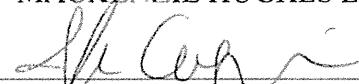
16. Defendant had actual or constructive notice of the condition.

17. As a result of Defendant's negligence, Plaintiff sustained severe and permanent injuries, great pain and suffering and extensive medical care and treatment.

WHEREFORE, Plaintiff demands judgment against Defendant and that she be awarded all the damages and relief which exceed the jurisdictional limits of all lower Courts which would otherwise have jurisdiction, along with the appropriate interest, costs and disbursements of this action and such other and further relief as this Court may deem just and proper.

Dated: December 11, 2020

MACKENZIE HUGHES LLP

By: 

Jennifer D. Caggiano, Esq.

Attorneys for Plaintiff

Mackenzie Hughes Tower

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